

DBD-CV21-6041124-S : **SUPERIOR COURT**

PAUL VAN VALKENBURGH and
DOREEN VAN VALKENBURGH : **JUDICIAL DISTRICT OF DANBURY**

v. : **AT DANBURY**

WASHINGTON COBOS and
ADRIANA COBOS : **FEBRUARY 28, 2022**

NOTICE TO AMEND COMPLAINT
PURSUANT TO CGS§ 52-102b

Pursuant to § 52-102b of the Connecticut General Statutes, the plaintiffs in the above-captioned matter hereby amend their Complaint in accordance with the Amended Complaint attached hereto. Specifically, plaintiffs add the following language, “pursuant to C.G.S. §52-560” in section two of plaintiffs’ prayer for relief following discussion and agreement of defense counsel at virtual short calendar hearing on February 28, 2022 with the Honorable Robert A. D’Andrea. *See* Exhibit A.

THE PLAINTIFFS,
PAUL VAN VALKENBURGH and
DOREEN VAN VALKENBURGH,

By: /s/ Brian T. Romano / Juris # 429434
Brian T. Romano, Esq.
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Danbury, Connecticut 06810
(203) 942-6271 / Juris No. 429434

CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on February 28, 2022 to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

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By: /s/ Brian T. Romano / Juris # 429434
Brian T. Romano, Esq.
Commissioner of the Superior Court
Juris No. 429434

EXHIBIT A

	:	SUPERIOR COURT
PAUL VAN VALKENBURGH and DOREEN VAN VALKENBURGH	:	JUDICIAL DISTRICT OF DANBURY
v.	:	AT DANBURY
WASHINGTON COBOS and ADRIANA COBOS	:	OCTOBER 1, 2021

COMPLAINT

COUNT ONE-AGAINST WASHINGTON COBOS FOR VIOLATION OF C.G.S. §52-560

1. The Plaintiffs, Paul Van Valkenburgh and Doreen Van Valkenburgh, are the owners of a certain real property located in the Town of Bethel, Connecticut, known as 7 Whitney Road, Bethel, CT 06801 (hereinafter “the Van Valkenburgh property”).

2. Prior to October 4, 2019, the property included a live, large Maple Tree (hereinafter “the tree”).

3. The Defendants, Washington Cobos and Adriana Cobos, are the owners of a certain real property located in the town of Bethel, Connecticut, known as 5 Willow Street, Bethel, CT 06801 (hereinafter “the Cobos property”) which abuts the Van Valkenburgh property.

4. That upon information and belief, on October 4, 2019, the Defendant, Washington Cobos, engaged in a trespass when he entered the Van Valkenburgh property without any permission for the purpose of cutting down the tree.

5. That upon information and belief, on October 4, 2019, the Defendant, Washington Cobos, did cut down the tree located on the Van Valkenburgh property.

6. That an incident report drafted by Officer Beamonte of the Bethel Police Department, Incident # 19-11143, indicates that Washington Cobos stated he “decided to cut the tree down.”

7. That prior to October 4, 2019, the Defendant, Washington Cobos, had been verbally warned by Plaintiff, Paul Van Valkenburgh, that he was trespassing in the area of the tree when Washington Cobos attempted to dump grass clippings and debris on the Plaintiff’s property.

8. That the removal of the tree has caused a loss of privacy that the Van Valkenburgh property previously enjoyed.

9. That the loss of privacy resulting from the tree that has been cut down has resulted in a diminution in the value of the Van Valkenburgh property.

10. The actions of the Defendant, Washington Cobos and/or his agent(s), caused the tree to be cut down.

11. As a result of the actions of the Defendant, Washington Cobos, the Plaintiff was harmed through the loss of the tree, its valuable shade, the diminution of the Van Valkenburgh property value and the substantial cost of the tree's removal and replacement.

COUNT TWO-AGAINST ADRIANA COBOS FOR VIOLATION OF C.G.S. §52-560

1. The Plaintiffs, Paul Van Valkenburgh and Doreen Van Valkenburgh, are the owners of a certain real property located in the Town of Bethel, Connecticut, known as 7 Whitney Road, Bethel, CT 06801 (hereinafter "the Van Valkenburgh property").

2. Prior to October 4, 2019, the property included a live, large Maple Tree (hereinafter "the tree").

3. The Defendants, Washington Cobos and Adriana Cobos, are the owners of a certain real property located in the town of Bethel, Connecticut, known as 5 Willow Street, Bethel, CT 06801 (hereinafter "the Cobos property") which abuts the Van Valkenburgh property.

4. That upon information and belief, on October 4, 2019, the Defendant, Washington Cobos, engaged in a trespass when he entered the Van Valkenburgh property without any permission for the purpose of cutting down the tree.

5. That upon information and belief, on October 4, 2019, the Defendant, Washington Cobos, did cut down the tree located on the Van Valkenburgh property with the knowledge and consent of Adriana Cobos.

6. That an incident report drafted by Officer Beamonte of the Bethel Police Department, Incident # 19-11143, indicates that Washington Cobos stated he “decided to cut the tree down.”

7. That prior to October 4, 2019, the Defendant, Washington Cobos, had been verbally warned by Plaintiff, Paul Van Valkenburgh, that he was trespassing in the area of the tree when Washington Cobos attempted to dump grass clippings and debris on the Plaintiff’s property.

8. That upon information and belief, Adriana Cobos was aware of this warning by Paul Van Valkenburgh.

9. That the removal of the tree has caused a loss of privacy that the Van Valkenburgh property previously enjoyed.

10. That the loss of privacy resulting from the tree that has been cut down has resulted in a diminution in the value of the Van Valkenburgh property.

11. The actions of the Defendant, Washington Cobos and/or his agent(s), caused the tree to be cut down.

12. That Defendant, Adriana Cobos, did not interrupt or in any way stop the tree from being cut down, thereby benefiting the Cobos property.

13. As a result of the actions of the Defendant, Adriana Cobos, the Plaintiff was harmed through the loss of the tree, its valuable shade, the diminution of the Van Valkenburgh property value and the substantial cost of the tree's removal and replacement.

COUNT THREE-AGAINST WASHINGTON COBOS FOR NEGLIGENCE

1.- 11. Paragraphs 1 through 11 of Count One, are hereby repeated and incorporated herein as paragraphs 1 through 11 of this Count Three.

12. The Defendant Washington Cobos breached a duty of responsible conduct and care for the Van Valkenburgh property when he and Adriana Cobos, on their own, and/or through their agent(s) cut down the tree without any permission.

13. Upon information and belief, Defendant Washington Cobos failed to determine the actual location of the property line between the Cobos property and the Van Valkenburgh property.

14. Upon information and belief, Defendant Washington Cobos failed to consult his warranty deed or documents available at the Bethel town hall.

15. The negligence of the Defendant, Washington Cobos, caused the tree to be cut down.

16. As a result of the negligence of the Defendant, Washington Cobos, the Plaintiff has been harmed through the loss of the tree, its valuable shade, and the substantial cost of the tree's removal and replacement.

COUNT FOUR-AGAINST ADRIANA COBOS FOR NEGLIGENCE

1.- 13. Paragraphs 1 through 13 of Count Two, are hereby repeated and incorporated herein as paragraphs 1 through 13 of this Count Four.

14. The Defendant Adriana Cobos breached a duty of responsible conduct and care for the Van Valkenburgh property when she and Washington Cobos, on their own, and/or through their agent(s) cut down the tree without any permission.

15. Upon information and belief, Defendant Adriana Cobos failed to determine the actual location of the property line between the Cobos property and the Van Valkenburgh property.

16. Upon information and belief, Defendant Adriana Cobos failed to consult her warranty deed or documents available at the Bethel town hall.

17. The negligence of the Defendant, Adriana Cobos, caused the tree to be cut down.

18. As a result of the negligence of the Defendant, Adriana Cobos, the Plaintiff has been harmed through the loss of the tree, its valuable shade, and the substantial cost of the tree's removal and replacement.

WHEREFORE, the Plaintiffs claim:

1. Damages;
2. Double and/or Treble Damages pursuant to C.G.S. §52-560;
3. Punitive Damages;
4. Costs of this Action;
5. Whatever other Remedy this court determines to be fair and equitable.

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DOREEN VAN VALKENBURGH

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STATEMENT OF AMOUNT IN DEMAND

The amount in demand, exclusive of interest and costs, is greater than Fifteen Thousand Dollars (\$15,000.00).

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